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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,029	09/29/2003	Takumi Nonaka	708493.4010	5410
34313	7590	06/28/2004	EXAMINER	
ORRICK, HERRINGTON & SUTCLIFFE, LLP 4 PARK PLAZA SUITE 1600 IRVINE, CA 92614-2558			CHIESA, RICHARD L	
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/675,029	Applicant(s) NONAKA, TAKUMI	
	Examiner Richard L. Chiesa	Art Unit 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004 and 24 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 3, 5-7, 14 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 8-12 and 16 is/are rejected.
- 7) ☒ Claim(s) 4 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/099,560.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on May 24, 2004 has been entered.

Election/Restrictions

2. Applicant's election without traverse of species C (Figures 4A, 4B) in the replies filed on May 3, 2004 and May 24, 2004 is acknowledged.
3. Claims 3, 5-7, 14, and 15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected species. Election was made **without** traverse in the replies filed on May 3, 2004 and May 24, 2004.

Claim Objections

4. Claims 4, 8, 13, and 16 are objected to because of the following informalities: (A) It would appear that the expressions "ring-like" (claim 4, line 8) and "ring like" (claim 16, lines 1, 2) should perhaps be changed to --ring-shaped--. Note MPEP section 2173.05(b)F. (B) The word "nozzel" (claim 8, line 4) should apparently be changed to --nozzle--. (C) The phrase "the metering needle" (claim 13, line 5) should apparently be changed to --a metering needle--. Appropriate correction is required.

Claim Rejections - 35 USC § 102/103

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 2, 8-12, and 16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 3,640,512 to Morgenroth. Morgenroth (note Figures 1-6) shows a carburetor with a nozzle orifice ring-shaped aperture 6 defined by a flange, tube 2, bleed air passage 5, mixing chamber 3, and a metering needle moving in response to the operation of throttle valve 8 (note col. 2, lines 34-53, and col. 4, lines 1-69) as claimed (35 USC 102b). It would appear that Morgenroth may not explicitly refer to the area above diaphragm 22 as a “constant fuel chamber”. However, it is noted that this area is in direct communication with fuel duct 25 just as disclosed by applicant. Consequently, it is inherent from the disclosure of Morgenroth that this area is a “constant fuel chamber” or at least would have been readily obvious to one of ordinary skill in the art (35 USC 103a) that the area above diaphragm 22 in the Morgenroth carburetor is a “constant fuel chamber”.

8. Claims 2 and 9 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Morgenroth in view of U.S. Patent No. 2,014,763 to Grace. Morgenroth, as described above in paragraph 7, shows a carburetor substantially as claimed. It would appear, however, that Morgenroth may not disclose an intake channel with a uniform diameter. In any case, Grace (note Figures 1-6) teaches the use of an intake channel 10 with a uniform diameter in a carburetor for the purpose of ensuring efficient atomization (note page 2, right column, lines 22-34). Therefore, it would have been obvious to one having ordinary skill in the art to employ a constant diameter intake channel in the Morgenroth carburetor in order to facilitate optimum atomization as taught by Grace.

Allowable Subject Matter

9. Claims 4 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

11. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach or fairly suggest the recited carburetor fuel system with the recited

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fuel nozzle, metering hole, tube wall, through hole, metering needle, mixing chamber, intake channel, discharge flange, and discharge flange aperture or gap in the recited positioning and operative relationship.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references have been cited as art of interest to show other carburetors.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard L. Chiesa whose telephone number is (571) 272-1154.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine R. Copenheaver, can be reached at (571) 272-1156.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1700 receptionist whose telephone number is (571) 272-0987.

Facsimile correspondence must be transmitted through (703) 872-9306.

Richard L. Chiesa
June 25, 2004

Richard L. Chiesa

**RICHARD L. CHIESA
PRIMARY EXAMINER
ART UNIT 1724**

June 25, 2004